

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA * Docket No. 2:14-CR-207
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VERSUS * December 6, 2016
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FRANKIE MALDONADO * Lake Charles, Louisiana

REPORTER'S OFFICIAL TRANSCRIPT OF JURY VOIR DIRE
HELD BEFORE THE HONORABLE PATRICIA MINALDI,
UNITED STATES DISTRICT JUDGE

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COURT PROCEEDINGS

(Call to order of the court.)

THE COURT: Good morning.

MR. WALKER: Good morning, Your Honor.

THE COURT: Mr. Walker, good morning. All right. You know, most people are not happy to be here; but we're going to try to make this as pleasant and expeditious as we can. And I thank you for being here doing your civic duty. So what's going to happen right now is -- oh. Ms. Benoit, swear in the jury.

(Oath is administered.)

THE COURT: Thank you. And Ms. Benoit is going to call 14 people, is that right, into the box which is there. And what we're going to do is ask some questions to see if you are, I don't want to say qualified, but if you are impartial enough to be a juror in this case. Go ahead.

MS. BENOIT: [REDACTED] -- [REDACTED].

[REDACTED], when you come up you're going to sit in this first chair at the top. [REDACTED].

THE COURT: I thought Leon Russell died, but he's right over there.

MS. BENOIT: [REDACTED].

THE COURT: Just kidding.

MS. BENOIT: [REDACTED]

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[REDACTED]

THE COURT: Okay. The purpose of this process is that I ask you some questions and the attorneys have a short period of time to ask you questions. So the first thing I want to talk to you about is I think this -- Mr. Walker, what time do you think this is going to take?

MR. WALKER: Your Honor, I expect this case to be over probably by the end of tomorrow or possibly Thursday morning at the latest.

THE COURT: Mr. McCann, do you agree with that?

MR. McCANN: I do, ma'am.

THE COURT: Okay. Thank you. So that's the prognosis of this trial. And then we have to talk about some things that I'm sure you've heard if you watch TV at all because not everyone in here has heard me say this before, but I have a godson who was asked what a marathon was and he said when that's on *Law and Order* every day or all day long. So, you know, we've all seen that, I assume; but who knows. So if I repeat things that you already know, please don't hold that against me

1 because I'm required to do that.

2 I'm going to ask the prosecutor and the defense
3 team to introduce themselves and the people who are
4 working with them.

5 MR. WALKER: Good morning. My name's Luke Walker.
6 I'm an assistant U.S. attorney. This is Jamilla Bynog.
7 She's also an assistant United States attorney. This is
8 Eric Link. He works with Homeland Security
9 Investigations, and he'll be the case agent in our case.
10 He'll be sitting at the table with us.

11 THE COURT: Thank you. Does anyone know anyone at
12 the prosecutor's table? If so, please raise your hand.
13 No hands are raised.

14 MR. McCANN: Good morning. My name is Randy
15 McCann. I am a criminal defense lawyer. My office is
16 in Lafayette. My client's name is Frankie Maldonado.
17 Thank you.

18 THE COURT: Anyone know either one of those people?
19 If so, please raise your hand. No hands are raised.

20 Is anyone on the -- in the box right now related to
21 law enforcement? If so, please raise your hand. Yes,
22 sir. This is [REDACTED], correct?

23 [REDACTED]: Yes, ma'am.

24 THE COURT: Can you tell me who you're related to.

25 [REDACTED]: My son.

1 THE COURT: To whom are you related?

2 [REDACTED]: My son is a Lake Charles police
3 officer.

4 THE COURT: And what is his name?

5 [REDACTED]: [REDACTED].

6 THE COURT: Counsel, does he have anything to do
7 with this case?

8 MR. WALKER: He does not. In fact, the people who
9 are going to be testifying who are law enforcement are
10 going to be people from the Vernon Parish Sheriff's
11 Office and there will also be some state police
12 officers. However, they're not in the Lake Charles
13 area. They're assigned to the Alexandria area.

14 MR. McCANN: And one police officer from
15 Natchitoches.

16 MR. WALKER: And one police officer from
17 Natchitoches.

18 THE COURT: Thank you. [REDACTED], would that have
19 any effect on your judgment in this case?

20 [REDACTED]: No, ma'am.

21 THE COURT: Can you treat a law enforcement officer
22 as you would any other witness?

23 [REDACTED]: Yes, ma'am.

24 THE COURT: Okay. Thank you so much.

25 [REDACTED]: You're welcome.

1 THE COURT: Anybody else? Okay. Down the aisle.

2 [REDACTED]: [REDACTED], Constable Ward
3 Seven.

4 THE COURT: Okay. Educate me.

5 [REDACTED]: Just not nothing major, just
6 almost like a peace keeper, evicting people out of
7 houses and stuff like that, that need to be evicted,
8 constable work.

9 THE COURT: Okay. So that's not you; that's a
10 relative?

11 [REDACTED]: That's a relative.

12 THE COURT: And would that have any effect on you
13 sitting in judgment of this case?

14 [REDACTED]: No, ma'am.

15 THE COURT: Okay. Could you pass it back to the
16 lady in the first row.

17 [REDACTED]: Yes, I'm employed by Department of
18 Homeland Security, Immigration and Custom Enforcement.

19 THE COURT: Okay. And how long has that been for?

20 [REDACTED]: 20 years.

21 THE COURT: Wow. Most people don't have a 20-year
22 job, but -- and what do you work in?

23 [REDACTED]: I work in enforcement and removal
24 operations.

25 THE COURT: So do you actually arrest people?

1 [REDACTED]: No, ma'am, I do not.

2 THE COURT: All right. Do you judge whether or not
3 they're in compliance with Homeland Security?

4 [REDACTED]: To a certain extent I do, yes, ma'am.

5 THE COURT: Would you be willing to put that aside
6 and, you know, try to be impartial in this case?

7 [REDACTED]: Yes, ma'am.

8 THE COURT: Thank you so much.

9 MR. WALKER: Your Honor, the only thing I would
10 point out in connection with the case, one of the
11 witnesses who will be testifying and the case agent is
12 Eric Link. He also works with Homeland Security. I
13 asked him. I don't believe they know each other, and
14 they're not connected in any way. I simply wanted to
15 make it known that we do have a Homeland Security agent
16 who will be --

17 THE COURT: Would that make any difference to you,
18 ma'am?

19 [REDACTED]: No, ma'am.

20 THE COURT: Okay. Thank you. You know, this is a
21 criminal case so the burden of proof in this case is
22 beyond a reasonable doubt. When you have a civil case
23 it's more probable than not, which means about like
24 this. If you have the scales of justice -- (loud
25 noise.) Thank you, Mr. Walker.

1 MR. WALKER: I apologize, Your Honor.

2 THE COURT: I do that all the time. But when you
3 have a criminal case it goes from this to this. It's a
4 much heavier burden. It's beyond a reasonable doubt.
5 Can you accept that without judgment? If you cannot,
6 please raise your hand. Well, if you can accept that
7 with judgment. I guess maybe that would be the better
8 thing. It's a different standard than a civil case.
9 Can you accept that? Please raise your hand if you
10 cannot. No hands are raised.

11 Has anyone in this area served as a juror in
12 another case? If so, please raise your hand. Okay.
13 Let's see. That's [REDACTED]. [REDACTED] -- who has the
14 microphone? Play Sally Jessy Raphael. Yes, sir. Can
15 you tell us a little bit about that.

16 [REDACTED]: About me?

17 THE COURT: About your jury service.

18 [REDACTED]: The other jury that I served on?

19 THE COURT: Yes, sir.

20 [REDACTED]: Okay. It was in Alexandria. There was
21 a bank embezzlement and he had hired two lawyers from
22 Boston, Massachusetts to help him escape from the
23 country and to set up a Mexican identity, which they did
24 and he did get away. After a period of time, I'm not
25 sure the details, he either got caught or he turned

1 himself in; but he was plea bargaining with the
2 Government to go after the two lawyers in Boston.
3 That's what the case was about.

4 THE COURT: That sounds very interesting. What was
5 the outcome?

6 [REDACTED]: It was 12 charges. They were found
7 guilty on 11 out of 12.

8 THE COURT: Okay. How do you feel about that? Did
9 you agree with that?

10 [REDACTED]: Oh, yes. It was unanimous.

11 THE COURT: Okay. Thank you. And I think there
12 is -- are other people who were on juries before. You
13 can pass down to the front row. That would be

14 [REDACTED] -- no, [REDACTED]. I'm sorry?

15 [REDACTED]: [REDACTED].

16 THE COURT: Oh, yes. [REDACTED] from [REDACTED].
17 Okay. Could you tell us a little bit about that,
18 please.

19 [REDACTED]: This was in Cameron, but a woman --
20 been a long time ago, 20 something years ago. Woman got
21 in a wreck, broke her neck. If I remember right,
22 they -- we had to go up to the jury box and everything
23 but they settled it out, you know.

24 THE COURT: How did you feel about that?

25 [REDACTED]: I was okay with it.

1 THE COURT: You can be happy if you want to.

2 [REDACTED]: Ma'am?

3 THE COURT: You can be happy if you want to. Were
4 you?

5 [REDACTED]: I can't hear you too good, ma'am.

6 THE COURT: Oh, I'm sorry. I said you could be
7 happy if you want to be.

8 [REDACTED]: Okay.

9 THE COURT: Usually when you get to go home from
10 jury duty people are happy.

11 [REDACTED]: Oh, yes, ma'am. If you tell me I can
12 go home, I'll be real happy.

13 THE COURT: Okay. Anything more you want to tell
14 me about?

15 [REDACTED]: No, ma'am.

16 THE COURT: Okay. Let's see who's next. Let's
17 see. [REDACTED]?

18 [REDACTED]: Yes.

19 THE COURT: Can you tell me a little bit about
20 what's going on with you.

21 [REDACTED]: Not nothing much. I'm retired,
22 taking care of my grandkids.

23 THE COURT: Okay. Do they need you every day?

24 [REDACTED]: The 18-month-old do.

25 THE COURT: You have anyone who can take your

1 place?

2 [REDACTED]: My sister's keeping them this week
3 while I'm out.

4 THE COURT: Great. Let me see if I have anything
5 else to ask you.

6 MR. McCANN: Your Honor, you were asking questions
7 about people that had prior jury service. I don't
8 necessarily think that [REDACTED] had raised her
9 hand, but I think that [REDACTED] raised his. Maybe we
10 could pass the microphone to [REDACTED] and finish
11 talking about the jury duty stuff.

12 THE COURT: Well, I think we can talk about
13 anything we want to. [REDACTED]?

14 [REDACTED]: Yes, ma'am.

15 THE COURT: Could you take the microphone, please.

16 [REDACTED]: All right. I think it's the -- I don't
17 remember the exact name of the Court, but it was in Lake
18 Charles. It wasn't this one. It was the one on -- I
19 think it's 14th Judicial Court.

20 THE COURT: 14th JDC?

21 [REDACTED]: Yes, ma'am. I didn't make the jury
22 selection, but I did make it in here. And it was a
23 criminal that was on parole and he got pulled over by a
24 police officer and was caught in possession of a 14
25 shotgun.

1 THE COURT: And what happened with that?

2 [REDACTED]: Do not know. Never did hear any more
3 about the case.

4 THE COURT: Okay. So how did you get involved in
5 that?

6 [REDACTED]: Basically, I got to this part. After
7 that they told me I was dismissed.

8 THE COURT: How'd you feel about that?

9 [REDACTED]: Well, honestly, I'd have liked to know
10 a little more about it, get the full details on it. But
11 I did what I could do.

12 THE COURT: Thank you for your service. Let's see
13 who's next. [REDACTED], you have a star next to your
14 name. Can you tell me what's going on?

15 [REDACTED]: I'm not sure what you mean a star next
16 to my name.

17 THE COURT: Well, whenever there's something that
18 you answered a question to that's positive, "Yes, I did
19 this," we put a star by the name. Here it is. Let me
20 see. Someone in your close family was arrested for
21 domestic violence.

22 [REDACTED]: Yes, that's correct.

23 THE COURT: You don't have to tell me who, but can
24 you tell me a little bit about it.

25 [REDACTED]: Just he was having problems with his

1 spouse and she ended up calling the cops and he was
2 arrested.

3 THE COURT: And how did you feel about that?

4 [REDACTED]: Disappointed, upset.

5 THE COURT: In him or the cops?

6 [REDACTED]: In him.

7 THE COURT: Okay. And how did that turn out?

8 [REDACTED]: Charges weren't filed. They were
9 dropped and -- I'm not really too sure the details, but
10 I'm pretty sure the charges were dropped.

11 THE COURT: Will that have any effect on you in
12 this trial?

13 [REDACTED]: Not at all.

14 THE COURT: Okay. Thank you so much. Let's see.
15 [REDACTED]?

16 [REDACTED]: Yes, ma'am.

17 THE COURT: [REDACTED], it looks like someone in
18 your family has been arrested.

19 [REDACTED]: Yes, ma'am.

20 THE COURT: Is that right?

21 [REDACTED]: Yes, ma'am.

22 THE COURT: How close were they to you?

23 [REDACTED]: My father.

24 THE COURT: Pretty close. And how old were you
25 when that happened?

1 [REDACTED]: I was real young, maybe seven or
2 eight.

3 THE COURT: Oh. How much do you remember about
4 that?

5 [REDACTED]: All I remember is we went visit him
6 and he was in jail. And after he got out he moved to
7 Houston, got out of Louisiana. A little while after
8 that we moved. All I can remember.

9 THE COURT: Moved from Houston to Lake Charles?

10 [REDACTED]: From Louisiana to Texas.

11 THE COURT: Okay. And how do you feel about that
12 experience?

13 [REDACTED]: Things happen sometimes.

14 THE COURT: Yes, they do; but how do you feel about
15 that personally?

16 [REDACTED]: I kind of felt -- you know, I had a
17 lot of questions; but I didn't really know how to ask
18 them, you know. I mean, I guess I was all right, all
19 right about it. Just learning to live and deal with it.

20 THE COURT: And what's up with your dad now?

21 [REDACTED]: Oh, he deceased right now.

22 THE COURT: How long ago did that happen?

23 [REDACTED]: About four years now.

24 THE COURT: Okay. And what did your mom do about
25 it?

1 [REDACTED]: They kind of split up after a while,
2 moved back to Louisiana.

3 THE COURT: Okay. You're okay with that?

4 [REDACTED]: Oh, yeah.

5 THE COURT: Thank you so -- will that have any
6 bearing on this case?

7 [REDACTED]: No, ma'am.

8 THE COURT: Okay. Thank you so much. [REDACTED]?

9 [REDACTED]: Yes, ma'am.

10 THE COURT: Can you tell me a little bit about the
11 questionnaire that you filed.

12 [REDACTED]: I was selected to be -- I was an
13 alternate. I don't remember if it was this year or last
14 year. Alternate, downtown, the other courthouse. I
15 don't know exactly. Anyway, it was a local case. It
16 was a case against one of the local hospitals.

17 THE COURT: Okay. Was that over on Pithon?

18 [REDACTED]: No. It's the one -- it's the one where
19 you park across the street at the Civic Center, you walk
20 across, that courthouse.

21 THE COURT: That's 14th JDC.

22 [REDACTED]: Okay.

23 THE COURT: I used to work there. That's how I
24 know.

25 [REDACTED]: Okay.

1 THE COURT: And what was that case about, local
2 hospital?

3 [REDACTED]: It was a case -- a young man was
4 attacked in one of the local bar parking lots several
5 years ago, severe brain damage. It had to do with
6 the -- basically, that the parents were suing the
7 hospital -- one of the local hospitals for not getting
8 him what he needed to be fast enough.

9 THE COURT: And what happened?

10 [REDACTED]: I was an alternate --

11 THE COURT: You --

12 [REDACTED]: -- so never found out.

13 THE COURT: Okay. How did you feel about that? If
14 you had been a juror, how would you have voted, if you
15 can tell me? If you don't want to tell me, that's okay.

16 [REDACTED]: It was -- I'm kind of glad I was just
17 an alternate because at the time I had a father who was
18 in a severe brain injury accident. And whenever the
19 young man was able to come on the stand and testify
20 himself about what happened and we were just basically
21 getting his -- you know, what his -- you could tell the
22 severity of what had happened. It had been several
23 years gone by. That was kind of a personal, you know,
24 issue only because I have experienced it for 15 years
25 dealing with my father. So -- but it had nothing -- you

1 know, like I said, I was an alternate, so.

2 THE COURT: If you had been a juror, did you agree
3 with the jury's vote?

4 [REDACTED]: I don't know which way they voted
5 but --

6 THE COURT: I don't either.

7 [REDACTED]: Yeah. That's the only thing is I don't
8 know...

9 THE COURT: That's okay. That's okay. I think
10 that's it.

11 MR. McCANN: Your Honor, may we have a sidebar,
12 please, me and Mr. Walker?

13 THE COURT: Sure. Come on up.

14 MR. McCANN: Can we do it in chambers? Is that
15 possible?

16 THE COURT: Sure. We're going to take a little
17 recess, very little.

18 (Proceedings recessed.)

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CERTIFICATE

I hereby certify this 7th day of December, 2016, that the foregoing is, to the best of my ability and understanding, a true and correct transcript of the proceedings in the above-entitled matter.

S/Deidre D. Juranka, RPR
Official Court Reporter

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